



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 13, 2005

VI.2
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-17
512 WEST 19TH STREET

DATE: JUNE 2, 2005

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow entertainment (live music or karaoke) until midnight daily for Player's Pizza restaurant.

APPLICANT

James D. Miller is representing the property owner, Andrew F. Lee.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.


WENDY SHIH
Associate Planner


KIMBERLY BRANDT, AICP
Acting Asst. Development Services Director

BACKGROUND

The property is located near the northwest corner of Harbor Boulevard and West 19th Street. It is surrounded by commercially zoned and developed properties to the east, west, and south (across West 19th Street), and a mobile home park to the north (across the alley). The subject property contains Player's Pizza, a 3,200 square foot restaurant with a type 47 ABC license, which allows a restaurant (bona fide eating place) with sales of all types of alcoholic beverages. On November 25, 2002, the Planning Commission approved Conditional Use Permit PA-02-50 to allow the restaurant to operate until 1 a.m. with limited live entertainment to cease at midnight (Thursday through Sunday evenings only).

The applicant is requesting to extend the days for live entertainment to seven days a week and to allow karaoke as part of the live entertainment. A conditional use permit is required for additional live entertainment because the property is located within 200 feet of a residential zone.

DISCUSSION

Staff anticipates that impacts will be limited because the primary business activity is a restaurant, not a bar or nightclub. Conditions have been included (gross sales of alcoholic beverages not to exceed gross sales of food, and sale and service of alcoholic beverages permitted only with sale and service of food) to ensure the business continues to operate as a restaurant and retains the type 47 ABC license it currently holds.

The restaurant is currently allowed to have live entertainment (amplified music) as "background" music provided by a maximum four-person band, Thursday through Sunday. Amplification is allowed but is required to be directed away from the residences to the north and the rear doors are to remain closed while music is played. It is staff's opinion that introducing karaoke (restaurant customer participation) as part of the ancillary entertainment to the restaurant, and allowing entertainment daily, will not negatively impact residents to the rear. The live entertainment occurs next to the interior (west) side wall, towards the front of the restaurant. There is no request for, or area available for dancing. Conditions (consistent with the original approval under PA-02-50) have been included limiting the entertainment ancillary to the restaurant use and requiring that the music not be audible from adjacent residential areas.

The building provides a buffer between the adjoining residents and the main parking lot for customers. A condition is included requiring the applicant/business owner to direct employees to park at the rear and to use care when they leave for the evening. The Police Department has confirmed that the restaurant has not been a problem business even with the live entertainment in the evenings. Staff also found no records of Code Enforcement noise complaints.

ALTERNATIVES

If the conditional use permit were denied, the restaurant would be able to continue operating as it has with live entertainment occurring on Thursday through Sunday, subject to Conditional Use Permit PA-02-50.

If the conditional use permit were approved, live entertainment and karaoke would be permitted until midnight daily.

CONCLUSION

The business is a restaurant with sales of alcoholic beverages secondary to sales of food. No complaints regarding noise or other disturbances have been generated by this use under its current operating characteristics. The entertainment area will be limited to the front of the restaurant, away from the residents, and the existing building provides a buffer to residents from the customer parking area.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Exhibit "B" – Conditions of Approval
 Applicant's Project Description and Justification
 Location Map
 Plans

cc: Deputy City Manager-Dev. Svs. Director
 Assistant City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

Andrew F. Lee
 973 Grove Place
 Costa Mesa, CA 92626

James D. Miller
 512 W. 19th Street
 Costa Mesa, CA 92627

File: 061305PA0517	Date: 060105	Time: 1115am
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RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-17**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by James D. Miller, representing Andrew F. Lee, owner of real property located at 512 West 19th Street, requesting approval of a conditional use permit to allow live entertainment daily (live music or karaoke); and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 13, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-05-17 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for PA-05-17 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 13th day of June, 2005.

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, acting secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on June 13, 2005, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Acting Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed live entertainment is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the entertainment area is located at the front of the restaurant and the amplified music will be directed away from the residences to the north. The entertainment is a subordinate use to the primary restaurant use. Granting the conditional use permit will not allow a use, density or intensity, which is not in accordance with the general plan designation for the property.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed use is compatible and harmonious with uses on surrounding properties. The use will remain a restaurant with the building continuing to buffer the use and parking from adjoining residents.
 - b. The project is consistent with the General Plan.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

The following conditions include all applicable conditions and supersede PA-02-05:

- Plng.
1. Customers shall be encouraged to park in front of the building, with employees directed to park behind the building.
 2. Hours of operation shall be limited to the period between 9 a.m. and 1 a.m., with music to cease at midnight daily.
 3. The restaurant shall be limited to the type of operation described in the staff report. Any change in the operational characteristics including, but not limited to, hours of operation, sale of alcoholic beverages or changes in entertainment, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 4. There shall be no sales of alcoholic beverages for off-site consumption.
 5. At all times the premises is open for business, the sale and service of alcoholic beverages shall be made only in conjunction with the sale and service of food.
 6. The quarterly gross sales of alcoholic beverages shall not exceed the gross sales of food and meals during the same time period. The applicant shall at all times maintain records, which reflect separately the gross sales of food and gross sales of alcoholic beverages of the business. The records shall be kept no less frequently than on a quarterly basis and shall be made available to the Development Services Director or his/her designee on demand.
 7. The restaurant shall remain a "bona fide eating place" as defined by section 23038 of the California Business and Professional Code.
 8. The parking lot shall be posted with signs directing customers and employees to use consideration when entering their cars and leaving the parking lot.
 9. Music shall not be audible from adjacent residential areas.
 10. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 11. Live entertainment (maximum four-person band) and karaoke shall be ancillary to the main restaurant use. Amplification shall be directed away from the residences to the north. Rear doors shall remain closed while music is played. Dancing is prohibited.
 12. Live entertainment may only be permitted subject to City issuance of a "public entertainment permit". Contact Code Enforcement at (714) 754-5623 for application information.
 13. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the

conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.

14. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
15. To ensure the restaurant is the main use, a maximum of three pool tables and three video games shall be permitted unless applicant applies for, and is granted, a minor conditional use permit.

CITY OF COSTA MESA PLANNING APPLICATION

PROJECT DESCRIPTION AND JUSTIFICATION

1. Project Address: 512 W. 19TH STREET

2. Fully describe your request: TO EXPAND PRAYERS PIZZA LLC.'s CURRENT CONDITIONAL USE PERMIT, WHICH ALLOWS LIVE MUSIC THURSDAY THROUGH SATURDAY 9PM TO 12AM AND SUNDAYS FROM 2PM TO 12AM TO INCLUDE MONDAY FROM 9PM TO 12AM AND ON OCCASION TUESDAY OR WEDNESDAY DURING THE SAME HOURS FOR LIVE MUSIC OR KARAOKE.

3. Justification:

- A. For a Conditional Use Permit or Minor Conditional Use Permit: On a separate sheet, describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area. PRAYERS RESTAURANT IS LOCATED IN A RETAIL CENTER. THE CENTER'S BUSINESS IS SPREAD OUT DURING DAY AND EVENING HOURS. OUR PROPOSED CHANGE OF BUSINESS WOULD FALL IN LINE WITH THE EXISTING SHOPS IN THE CENTER, AND WOULD NOT CREATE A BURDEN TO THE CENTER.
- B. For a variance or Administrative Adjustment: On a separate sheet, describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

4. This project is: (check where appropriate)

☐ In a flood zone.

☒ In the Redevelopment Area.

☐ Subject to future street widening.

☐ In a Specific Plan Area.

☐ Includes a drive-through facility.

(Special notice requirements, pursuant to GC Section 65091 (d))

5. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:

☒ Is not included in the publication indicated above.

☐ Is included in the publication indicated above.

Signature

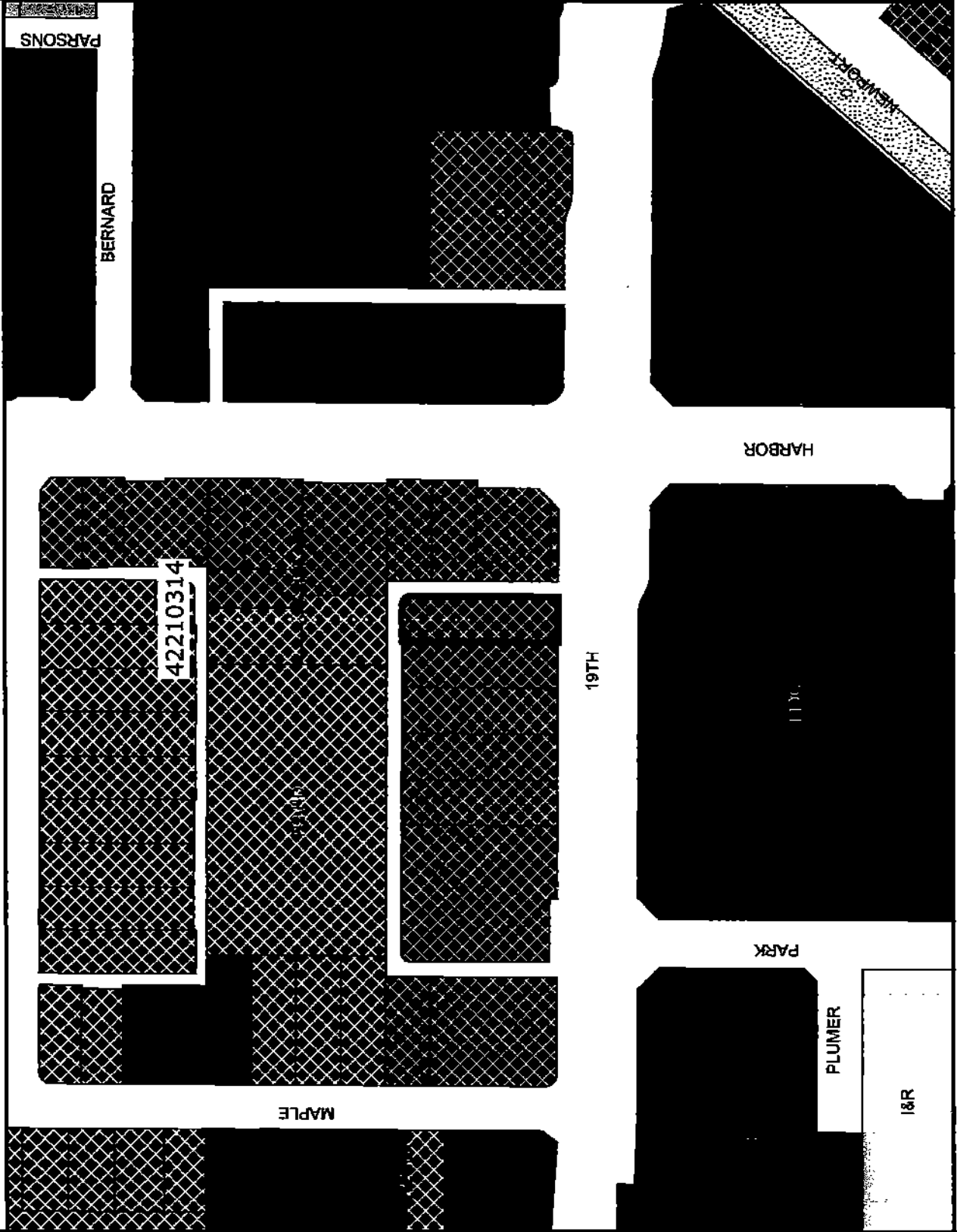
Date

ZONING/LOCATION MAP

512 West 19th Street

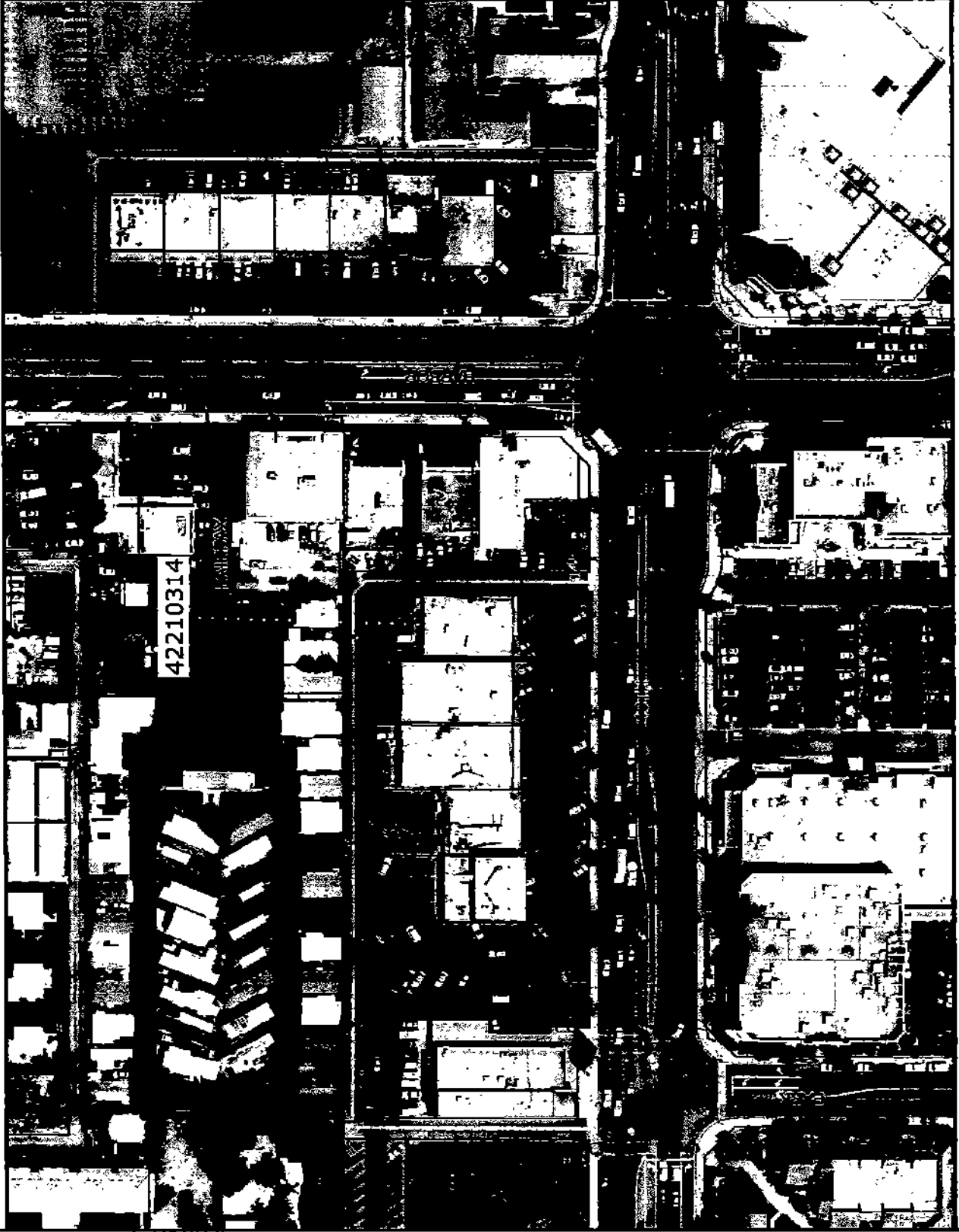
Legend

- ☐ Selected Features
 - Street Names
 - Parcel Lines
 - City Boundary
 - Zoning
- | | | | | | | | | | | | | | | | | | | | | | |
|----|----|------|----|----|-----|-------|----|----|---|-----|-----|--------|--------|--------|---------|----|-------|-------|----|----|---------|
| AP | C1 | C1-S | C2 | CL | IAR | IAR-S | MG | MP | P | PDC | PDI | PDR-HD | PDR-LD | PDR-MD | PDR-NCM | R1 | R2-HD | R2-MD | R3 | TC | Parcels |
|----|----|------|----|----|-----|-------|----|----|---|-----|-----|--------|--------|--------|---------|----|-------|-------|----|----|---------|



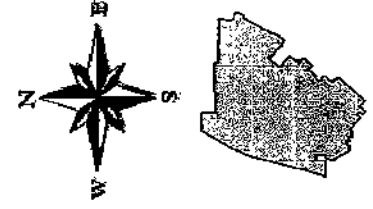
AERIAL PHOTOGRAPH

512 West 19th Street



Legend

- ☐ Selected Features
- Street Names
- Parcel Lines
- City Boundary
- Ortho Photography
- Parcels

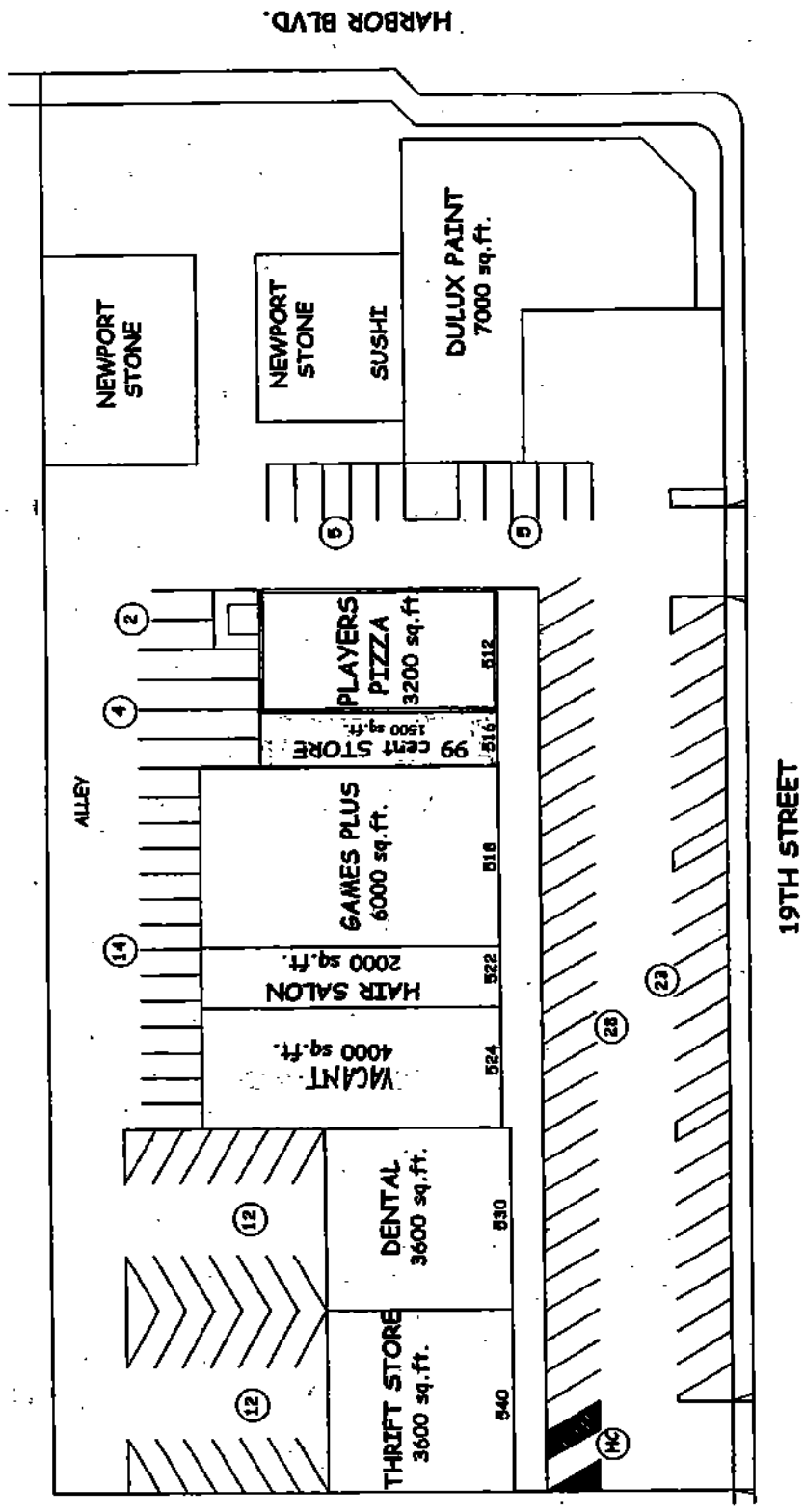


PLAYERS PIZZA
512 W. 19th STREET
COSTA MESA, CA.
(949) 646-5615
PA 0517

SITE PLAN

NORTH ① SCALE: 1" = 50'

TOTAL PARKING STALLS PROVIDED = 106
 (ACCESSIBLE STALLS PROVIDED = 1)



DATE _____
TIME _____

NAME _____
ADDRESS _____
CITY _____
STATE _____
ZIP _____

PHONE _____

SIGNATURE _____

PRINTED NAME _____

